

**THE HONOURABLE SRI JUSTICE V. ESWARIAIAH**

**WRIT PETITON NO. 9444 OF 2006**

**DATED: 28-04-2006**

**BETWEEN:**

The Whole-Sale Handloom & Housiery Welfare Association,

(Regd.No.418), H.No.4-5-480, Angadi Bazar,

Gandhi Road, Karimnagar, rep.by its

President Chanda Bapu, S/o.Chandra Bhoomaiah ... Petitioner

And

The Municipal Corporation of Karimnagar,

Karimnagar, Karimnagar District,

represented by its Commissioner ...Respondent

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**ORDER:**

This writ petition is filed by the petitioner society to declare the action of the respondent corporation in taking steps to demolish the Society/Association Building in Survey No.1483 at Vinayak Market area at Karimnagar Town & Municipality, Karimnagar, without following due process under A.P. Municipalities Act or under due process of law as bad in law and violative of principles of natural justice.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondent and perused the material available on record.

It is stated that there was an open land near Vinayak Market in Karimnagar Town admeasuring 176.49 sq. yards in Survey No.1483 and originally the said land belongs to the Municipal Corporation and on the application made by the petitioner society dated 25-06-2004, respondent corporation vide resolution No.421, dated 18-08-2004 allotted the said land in favour of the petitioner society apart from two other societies for dealing with weaving, clothing and hosiery etc. But the actual land allotted to the petitioner society is only 58.83 square yards. It is stated that the petitioner filed an application under Section 209 of A.P. Municipalities Act seeking permission for a retail sale of their product, but the said application has not been considered and disposed of even after lapse of 60 days and therefore, under the deemed provisions, they constructed the house.

Learned counsel for the respondent submits that even under the deemed provisions also, the applicants cannot deviate the building rules and regulations.

However, it is always open for the respondent authorities to issue appropriate notice calling upon the petitioner to submit its explanation. No suitable explanation was filed, it is open to them to take final action.

Having regard to the facts and circumstances of the case, the respondent is directed not to demolish the structure without following due process of law.

The writ petition is accordingly disposed of at the stage of admission. No order as to costs.

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V. ESWARAIAH, J.

Dated: 28-04-2006

**Note:**

Issue C.C. within two days.

(B/O)

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